



California Regulatory Notice Register

REGISTER 2002, NO. 5-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

FEBRUARY 1, 2002

PROPOSED ACTION ON REGULATIONS

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Rescheduled Public Hearing [Reportability of Uniform Allowances]—Notice File No. Z02-0117-02 281

TITLE 5. BOARD OF EDUCATION

Facilities for Charter Schools—Notice File No. Z02-0122-08 281

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*General Industry Safety Orders [Live Loads and Seatbelt Requirement for Farm Labor Vehicles]—
Notice File No. Z02-0114-01* 283

TITLE 10. CALIFORNIA INDUSTRIAL DEVELOPMENT FINANCING ADVISORY COMMISSION

Industrial Development Bonds Fees—Notice File No. 02-0122-01 287

TITLE 11. DEPARTMENT OF JUSTICE

Firearm Dealer Fee Increase—Notice File No. 02-0118-01 290

TITLE 14. FISH AND GAME COMMISSION

Marine Protected Areas—Notice File No. 02-0122-06 291

TITLE 18. BOARD OF EQUALIZATION

*Rescheduled Public Hearing [Assessment and Valuation of Taxable Possessory Interests]—
Notice File No. Z02-0122-02* 295

TITLE 18. BOARD OF EQUALIZATION

Rescheduled Public Hearing [Local Assessment Roll Procedure Rules]—Notice File No. Z02-0122-03 297

TITLE 20. PUBLIC UTILITIES COMMISSION

Revision to Rules of Practice and Procedure—Notice File No. Z02-0116-01 299

TITLE 22. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)—Notice File No. Z02-0122-07 300

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF CORPORATIONS
Invitation for Comments on Administrative Regulations under the Corporate Securities Law of 1968 Securities Option and Purchase Plans 302

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
List of Ineligible Contractors 304

DEPARTMENT OF FISH AND GAME
CESA Consistency Determination for Humboldt Bay Bridges Seismic Retrofit Project 304

DEPARTMENT OF FISH AND GAME
CESA Consistency Determination for North Baja Pipeline Project 305

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS
Regarding the Petition of Jamel Walker to Allow Inmate ETO for Religious Purposes 305

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 306

Sections Filed, September 19, 2001 to January 23, 2002..... 308

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

PROPOSED AMENDMENT OF SECTION 571, SUBSECTION (a)(5)

NOTICE OF RESCHEDULED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) has rescheduled the public hearing regarding the above referenced regulatory action from the originally noticed date of December 18, 2001.

Comments on the proposed action will be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

February 20, 2001
10:30 a.m. (or upon the conclusion of the
Health Benefits Committee Meeting)
California Public Employees' Retirement System
400 P Street
Sacramento, California 95814

Please direct inquiries concerning the hearing to:

Joe Parilo, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702

Telephone: (916) 326-3484

Fax: (916) 326-3379

E-mail: joe_parilo@calpers.ca.gov

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Facilities for Charter Schools

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Board proposes to add Article 3 (Sections 11969.1–11969.9) to Subchapter 19, Chapter 11,

Division 1 of Title 5 of the California Code of Regulations, providing guidance on facilities for charter schools.

PUBLIC HEARING

The State Board will hold a public hearing starting at 11:00 a.m. on Thursday, April 25, 2002 at 721 Capitol Mall, Room 166. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the agency of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Board. All written comments must be received no later than the close of the public hearing scheduled to start at 11:00 a.m. on April 25, 2002. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720
Telephone: (916) 657-4669
FAX number: (916) 657-3844
E-mail: pmcginni@cde.ca.gov

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided in Education Code section 47614(b). Education Code section 47614(b) states that the State Board may adopt regulations implementing subdivision (b), including but not limited to, defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," and "facilities costs." The regulations may also define the procedures and establish timelines for the request for, reimbursement for, and provision of, facilities.

The reference for the proposed regulations is Education Code section 47614.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Proposition 39, enacted by the voters on November 7, 2000, changed the required majority for local voter approval of public school and community college general obligation bonds from two-thirds to fifty-five percent of the votes. It also amended Education Code section 47614, imposing a new

requirement that school districts provide facilities to charter schools that serve at least 80 in-district students. Facilities must be sufficient to accommodate the charter school's in-district students in conditions reasonably equivalent to the conditions in facilities that students in district-operated schools attend. For use of the facilities, school districts may charge charter schools no more than a pro-rata share of district facilities costs paid from unrestricted general fund revenues.

The proposed regulations respond to requirements in Education Code section 47614(b) that the State Department of Education develop regulations for State Board of Education consideration that include, but are not limited to, definitions of specified terms and procedures and timelines for the request for, reimbursement for, and provision of, facilities to charter schools and the State Board of Education set reimbursement rates for over-allocated space.

In addition to addressing the items specifically required by Education Code section 47614(b), the proposed regulations define additional terms, specify that charter schools are responsible for maintaining facilities provided by a school district, and specify that charter schools which receive facilities must report the number of students using the facilities.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON BUSINESS

The State Board has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

SIGNIFICANT EFFECT ON HOUSING COSTS

The State Board has made an initial determination that the proposed regulatory action would not affect housing costs.

EFFECT ON SMALL BUSINESS

None, because these regulations are directed to local educational agencies which are not small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative considered by the State Board or that has otherwise been identified and brought to the attention of the State Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The purpose of the proposed regulations is to provide guidance on facilities for charter schools. The State Board does not believe that existing law absent these regulations achieves that objective. Moreover, the State Board has been unable to identify any alternative to the proposed regulations that achieves the objective. The State Board invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The State Board has made an assessment and determined that the adoption of the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Carol Bingham
School Fiscal Services Division
California Department of Education
560 J Street, Suite 150
P. O. Box 944272
Sacramento, California 94244-2720
(916) 324-4728

Requests for a copy of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720
Telephone: (916) 657-4669
FAX number: (916) 657-3844

Or:

Janis Miller, Regulations Analyst
Telephone: (916) 657-2453
FAX number: (916) 657-3844

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulation Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office, at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulation Adoption Coordinator at the address or telephone number listed above or accessing the California Department of Education's website at <http://www.cde.ca.gov/regulations>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Audit Response Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, the State Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the State Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of the Regulation Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which it is made available.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **March 21, 2002** at 11:00 a.m. in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **March 21, 2002** following the Public Meeting in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **March 21, 2002** following the Public Hearing in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to the General Industry Safety Orders in Title 8 of the California Code of Regulations, as indicated below, at its Public Hearing on March 21, 2002.

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 3, Section 3241(a)
Live Loads
2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 27
Sections 3700 and 3702
Seatbelt Requirement for Farm Labor Vehicles

A description of the proposed changes are as follows:

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 3, Section 3241(a)
Live Loads

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 3241(a) of the General Industry Safety Orders (GISO) stipulates that in every building or other structure, or portion thereof, used for mercantile, business, industrial or storage purposes, the building owner or representative shall place a durable load plate in a conspicuous location in each space to which they relate. Each plate shall indicate the safe maximum carrying capacity of the applicable space. Subsection (a) also prohibits the removal or defacing of these plates and requires their replacement if removed, defaced or lost.

Title 24, Section 1607.3.5 of the 1998 California Building Code (CBC) addresses the posting of live load information in commercial and industrial buildings. This language clearly indicates that the posting of live load information is to be placed “. . . in that part of each story in which they apply . . .” In reviewing and comparing the CBC live load posting language with existing Title 8 language, Board staff believes the CBC language is less ambiguous with regard to where building occupants are to post their live load metal signs/plates. The intent of both standards is to simply have the required live load information posted on the floor or portion of the floor to which the information applies and not on individual storage racks, containers, bins, etc., which would create an impractical and unnecessary burden upon employers/building occupants.

However, there is evidence that the Division of Occupational Safety and Health (Division) interprets and enforces Section 3241(a) to mean that live load information is required to be posted on individual storage racks, containers, bins, etc.

Board staff notes that at least one employer has recently been cited by the Division under Section 3241(a) for failing to post live load information on individual storage racks. The Home Depot was cited by the Division on February 5, 1999 for failing to label each and every warehouse storage rack with a sign indicating the live load information. On May 3, 1999, the employer appealed the citation in a timely fashion as indicated by the Occupational Safety and Health Appeals Board Decision for Dockets 99-R1D3-689 and 690. The February 16, 2000 Appeals Board Decision indicates that at the prehearing the Division moved to withdraw its citation involving Section

3241(a) because it lacked evidence to support a violation of the section charged. This motion was later granted by the Appeals Board.

Board staff also notes that the Standards Board received an Application for Permanent Variance from Section 3241(a) on August 23, 1999 from the Home Depot (Applicant). In the application (OSHSB File No. 99-V-038) the Applicant's representative discussed the Division's citation and opined that Section 3241(a) was not intended to require that each and every storage rack be labeled. The Division's October 18, 1999 evaluation report concluded that the Applicant's proposed equivalent safety method to affix live load information at the ends of storage racks rather than on each individual storage rack constituted compliance with Section 3241(a) and that a variance was not necessary.

To improve the clarity of Section 3241(a) and ensure consistency with existing state building standards, Board staff proposes to replace existing Title 8 language with language essentially verbatim of that contained in CBC Section 1607.3.5. The outdated CBC parenthetical reference is also proposed to be updated to Section 1607.3.5 and appropriately relocated to subsection (a).

In addition, based on a Cal/OSHA Form 9, Request for New, or Change in Existing, Safety Order, dated October 12, 2001 submitted by the Division, Board staff also proposes to add new subsection (e) which would address a separate requirement specifying that storage racks are to be designed to safely support their intended loads and shall not be loaded beyond their designed load capacity as recommended by the manufacturer.

Section 3241. Live Loads.

Existing Section 3241 contains requirements pertaining to live loads and addresses the posting of approved loads, the weight-carrying capacity of floors/platforms, how materials are to be safely stored to ensure pile stability, and the maintenance of all prime movers, machines and equipment to safely support the loads imposed upon them.

Subsection (a) requires that durable load plates be supplied and conspicuously placed at all related storage spaces within every building or other structure, or portion thereof, used for mercantile, business, industrial or storage purposes. Each plate is required to list the safe maximum carrying capacity of the applicable space. Subsection (a) prohibits the removal or defacing of these plates and requires their replacement if removed, defaced or lost.

A revision is proposed to replace the existing subsection language with language essentially verbatim of that contained in Title 24, Section 1607.3.5 of the 1998 California Building Code (CBC). The

existing CBC parenthetical reference is also proposed to be updated to this current CBC section reference.

A revision is also proposed to add new subsection (e) which specifies that storage racks are to be designed to safely support their intended loads and shall not be loaded beyond their designed load capacity as recommended by the manufacturer.

The proposed revisions are for clarification purposes and will have no effect upon the regulated public other than to ensure that required live load information is posted on the floor or portion of the floor to which the information applies and not on individual storage racks, containers, bins, etc., and that storage racks are designed to safely support their intended loads and shall not be loaded beyond their designed load capacity as recommended by the manufacturer.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to

Part 7 (commencing with Section 17500) of Division 4 of the Government Code because this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 27
Sections 3700 and 3702

Seatbelt Requirement for Farm Labor Vehicles

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

Existing Section 3700 contains definitions for terminology used in Article 27 but does not define farm labor vehicles. The proposed rulemaking will add the definition "Farm Labor Vehicles" consistent with the California Vehicle Code (CVC).

Existing Section 3702 states that vehicles used to transport employees must meet minimum safety standards to minimize physical hazards within the passenger carrying space. The proposed amendment to Section 3702 will add the requirement that seatbelts must be installed and used by the driver and passengers of farm labor vehicles.

The proposed amendment will make employers that utilize farm labor vehicles and the operators of such vehicles, subject to the proposed seatbelt requirement. Because the proposed amendment is consistent with already existent seatbelt requirements for farm labor vehicles in the CVC there will be no significant cost impact on private persons or businesses.

This proposed rulemaking action also contains editorial and formatting revisions. These non-substantive revisions are not discussed in this informative digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format.

DOCUMENTS INCORPORATED
BY REFERENCE

Title 49 of the Code of Federal Regulations, Section 571.209, Standard No. 209; Seat belt assemblies, and Section 571.210, Standard No. 210; Seat belt assembly anchorages.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The require-

ments of the proposed Section 3702 are identical to requirements in the California Vehicle Code, which are already enforced by the California Highway Patrol. Consequently, this rulemaking is not expected to create a significant adverse fiscal impact upon farm labor employers.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.) The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than March 15, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on March 21, 2002 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 10. CALIFORNIA INDUSTRIAL DEVELOPMENT FINANCING ADVISORY COMMISSION

NOTICE OF PROPOSED RULEMAKING ACTION

Article 3, Section 6070

Title 10, Chapter 8

California Code of Regulations

NOTICE IS HEREBY GIVEN that the California Industrial Development Financing Advisory Commission (CIDFAC), organized and operating pursuant to the California Industrial Development Financing Act (Act), Title 10, commencing with Section 91500 et seq. of the California Government Code, proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

CIDFAC proposes to amend Section 6070 of the California Code of Regulations in order to reduce CIDFAC fees for industrial development bonds (IDB's) financing projects in excess of \$10 million.

AUTHORITY AND REFERENCE

Authority: Sections 91500 et seq. of the California Government Code.

These sections authorize CIDFAC to adopt regulations relating to industrial development bond financing.

Reference: Article 1, Sections 91500–91504, and Article 3, Sections 91550–91559.4.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Summary of Existing Laws and Regulations.

Existing law authorizes CIDFAC to adopt regulations relating to industrial development bond financing (California Government Code, Section 91501, 91502, 91502.1 and 91553).

The passage of the Community Renewal Tax Relief Act of 2000 (HR5662) expanded the scope and dollar limit for the issuance of IDB's in federal designated Empowerment Zones (EZ). IDB's issued in Empowerment Zones are IDB's, as defined by federal statute but, have no limit on the dollar amount of bond issuance.

Section 6070. Fees.

The CIDFAC fee structure was developed based on the issuance of tax-exempt IDB's that have a maximum bond limit of \$10 million. The maximum fee under the current CIDFAC fee structure for a \$10 million financing is \$25,000. Due to the fact that EZ bonds do not have a dollar limit the fee potential is much greater, which imposes a hardship on potential borrowers. This financial hardship serves as a deterrent to borrowers that would seek IDB financing if the fee structure was reasonable. The goal of CIDFAC is to charge a reasonable fee that allows the Authority to remain self-supporting. Therefore, the proposed regulation change would reduce CIDFAC fees for projects in excess of \$10 million.

EZ bonds as defined by federal law were developed to assist the most distressed of communities. Based on that analogy there are only four federal designated Empowerment Zones in California, communities that have the greatest demand for economic development because of their high unemployment and high poverty rates. The reduction of CIDFAC fees creates an incentive for California businesses to seek IDB financing to promote business expansion and new job creation.

The reduction of CIDFAC fees will enhance economic development in the communities with the greatest economic need. The California economy is in need of an economic stimulus. The lowering of CIDFAC fees for California businesses is one such stimulus. IDB's stimulate the economy by promoting business expansion and promoting the creation of new jobs.

**OTHER MATTERS PRESCRIBED BY STATUTES
APPLICABLE TO THE SPECIFIC STATE
AGENCY OR TO ANY SPECIFIC REGULATION
OR CLASS OF REGULATIONS**

No other matters are prescribed by statute applicable to CIDFAC or to any specific regulation or class of regulation pursuant to Section 11346.1(b) or 11346.5(a)(4) of the California Government Code pertaining to the proposed regulations or to CIDFAC.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The Executive Director of CIDFAC has determined that the amended regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

The Executive Director of CIDFAC has determined that the amended regulations do not impose any additional cost or savings requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600–6670. There will be no cost or savings to any State Agency pursuant to Government Code Section 11346.1 (b) or 11346.5 (a)(6).

**INITIAL DETERMINATION REGARDING
ANY SIGNIFICANT, STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

CIDFAC has made an initial determination that the amended regulations will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. In fact, the amended regulations will have a positive effect on California businesses by expanding the scope and dollar limit for the issuance of IDB's in federal designated Empowerment Zones.

EFFECT ON SMALL BUSINESSES

CIDFAC has determined that the adoption of the amended regulations will assist small businesses in federal designated Empowerment Zones. There are four communities designated as Empowerment Zones in California. These communities are required to have high unemployment and high poverty rates to receive that designation. CIDFAC through the issuance of IDB's provides low cost financing for small busi-

nesses. The CIDFAC fee formula for IDB's is based on the bond par amount. As a result, the CIDFAC fee for large financings applying in the Empowerment Zone is much greater than with CIDFAC's traditional tax-exempt bonds, which are limited to \$10 million. The CIDFAC fee structure imposes a hardship on potential small business borrowers requesting more than \$10 million. The current CIDFAC fee has been a deterrent for financing larger projects that are eligible for industrial development bond financing in Empowerment Zones. The reduction of CIDFAC fees creates an incentive for California business to seek IDB financing to promote business expansion and new job creation.

COST IMPACTS

CIDFAC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the amended regulations.

ASSESSMENT OF EFFECT ON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The amended Regulations will have a positive effect on jobs and new and existing businesses within the State of California. The amended regulations will reduce the CIDFAC fees and create an incentive for California businesses to seek IDB financing to promote business expansion and new job creation.

COST IMPACT ON HOUSING

The amended regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CIDFAC must determine that no reasonable alternative to the amended regulations considered by the CIDFAC or that have otherwise been identified and brought to the attention of the CIDFAC would be more effective in carrying out the purpose for which the amended regulations are proposed or would be as effective and less burdensome to affected private persons than the amended Regulations.

CIDFAC invites interested persons to present statements with respect to alternatives to the amended regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the amended regulations of CIDFAC shall be submitted or directed to:

Joanie Jones-Kelly, Executive Director
CA Industrial Development Financing
Advisory Commission
915 Capitol Mall, Room 457

Sacramento, CA 95814
Telephone: (916) 654-5610
Fax: (916) 657-4821
Email: jkelly@treasurer.ca.gov

The following person is designated as a backup contact person for inquiries only regarding the amended regulations:

Opal Chen, Analyst
CA Pollution Control Financing Authority
Telephone: (916) 654-5610

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the amended regulations to the CIDFAC. The written comment period on the amended regulations will end at 5:00 p.m. on March 18, 2002. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the CIDFAC. In the event that changes are made to the amended regulations during the written comment period, the CIDFAC will also accept additional written comments limited to any changed or modified amended regulations for 15 calendar days after the date on which such amended regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED AMENDED CIDFAC REGULATIONS

Pursuant to the California Government Code, the CIDFAC has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the CIDFAC's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the amended regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice. This address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action.

PUBLIC HEARING

No public hearing regarding the amended regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to CIDFAC

at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the amended regulations for which the hearing is requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, CIDFAC may adopt the amended regulations substantially as described in this Notice, without further notice. If CIDFAC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before CIDFAC adopts the proposed amended regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

CIDFAC is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once the CIDFAC has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Justice ("Department", "DOJ"), pursuant to rulemaking authority granted by section 12071 of Penal Code, in order to implement, interpret and make specific section 12071, subdivision (f) of the Penal Code, proposes to amend section 987.1 in Title 11, California Code of Regulations (CCR) regarding firearms dealer fees.

PUBLIC HEARING

The Department will hold a public hearing commencing at 10:00 a.m. on **Tuesday, March 19, 2002**, at the Department of Justice, 4949 Broadway, Sacramento, California. The hearing room is wheel chair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed regulatory action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at either hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Jeff Amador, Department of Justice, Firearms Division, P.O. Box 820200, Sacramento, CA 94203-0200, no later than 5:00 p.m., **March 19, 2002**, or may be submitted at the hearing. Written comments may also be sent to Jeff Amador (1) via electronic mail at jeff.amador@doj.ca.gov or (2) via fax (916) 227-3700.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulation, may be directed to Sherri Toulouse at (916) 227-3694. The backup contact person is Stacey Prado, (916) 227-5366. Inquiries regarding the substance of the proposed regulation may be directed to Jeff Amador at (916) 227-3661.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) section 12071 requires the Department to maintain a Centralized List of Firearms Dealers ("Centralized List") and authorizes the Department to conduct dealership inspections to confirm compliance with California firearms laws. Penal Code Section 12071 (f) authorizes the Department to assess annual dealer fees to cover the cost of maintaining the Centralized List, including dealer inspections. In 1999, the Department adopted regulations (Sections 986 through 989, of Title 11, CCR) as required to implement the Centralized List program, including Section 987.1 which established the annual dealer fee as \$85 (\$20 Centralized list fee and \$65 inspection fee). The proposed amendment to Section 987.1 would increase the annual dealer fee to \$115 (\$20 Centralized list fee and \$95 inspection fee). The existing statutory exemption from the inspection fee (\$95) for dealers whose place of business is located in a jurisdiction with a local firearms dealer compliance inspection program would remain unchanged.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. The \$30 per year increase is not a significant amount particularly in comparison to the total operating costs typically incurred by retail businesses. Furthermore, current state and federal law generally prohibits firearm dealers from selling firearms to individuals who do not reside in their own state. Therefore, competition with businesses in other states is a non-issue.

Adoption of these regulations will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None.

Cost impact on representative private person or business: \$30 increase in annual firearms dealer fees from \$85 to \$115.

FISCAL IMPACTS

Cost or savings to any state agency: None.

Local Mandate: None.

Cost to any local agency or school district that is required to be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.

Other nondiscretionary cost or savings imposed upon local agencies: None.

EFFECT ON SMALL BUSINESS

The proposed amendment to the existing regulation will result in a \$30 increase in firearms dealer fees from \$85 to \$115.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any such modifications will also be posted on the Department's website. Please send requests for copies of any modified regulations to Sherri Toulouse, Department of Justice, Firearms Division, P.O. Box 820200, Sacramento, CA 94203-0200. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

An initial statement of reasons and the text ("express terms") of the proposed regulation have been prepared and are available by contacting Sherri Toulouse at the address or phone number listed above. The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at 4949 Broadway, Sacramento, California. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the initial statement of reasons, the proposed text of the regulation in strikeout/underline, and the Economic and Fiscal Impact Statement (Std. 399). The above-cited materials may be accessed on the DOJ Firearms Division website at www.ag.ca.gov/firearms/.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named above or may be accessed on the website listed above.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203.1, 205, 219, 220, and 2860 of the Fish and Game Code and Section 36725 of the Public Resources Code and to implement, interpret or make specific sections 200, 203.1, 205, 219 and 220 of the Fish and Game Code and Section 36725 of the Public Resources Code, proposes to amend sections 27.82 and 630 and adopt Section 632, Title 14, California Code of Regulations, regarding Marine Protected Areas.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The following alternatives establish new Marine Protected Areas (MPAs) in the area within NOAA's Channel Islands National Marine Sanctuary. This area includes the northern Channel Islands (Anacapa, Santa Cruz, Santa Rosa, and San Miguel) and Santa Barbara Island from the shoreline to a distance of 6 nautical miles offshore. Each alternative includes some areas outside state waters (from 0 to 3 nautical miles offshore). The areas within state waters are addressed in this proposal as an initial phase. For the areas outside state waters, NOAA has indicated its intent to pursue establishment of marine reserves under the

National Marine Sanctuaries Act. The goal is to complement the proposed State action by completing the marine reserve network in the Sanctuary. These new areas constitute the addition of a new Section 632 to Title 14, California Code of Regulations.

The Department's recommended preferred alternative establishes eleven (11) new State Marine Reserves where it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a permit or specific authorization from the Commission for research, restoration, or monitoring purposes, one (1) State Marine Conservation Area where only the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish is allowed, and one (1) State Marine Conservation Area where the commercial and recreational take of spiny lobster and the recreational take of pelagic finfish is allowed. These areas comprise approximately 25% of the waters within the Channel Islands National Marine Sanctuary. For the purposes of these regulations, pelagic finfish is defined as: anchovy, barracuda, blue shark, dolphinfish, herring, mackerels, mako shark, marlin*, salmon, sardine, swordfish, thresher shark, tunas, and yellowtail (*marlin is not allowed for commercial take).

Five alternatives to the recommended preferred alternative establish between 7 and 11 State Marine Reserves covering a range of 12% to 34% of the Channel Islands National Marine Sanctuary. The alternatives vary in specific locations and sizes of MPAs. An alternative to delay decision on the matter to the Marine Life Protection Act process is provided along with a no change alternative.

In addition, the proposed regulations remove three existing invertebrate closures on Anacapa and Santa Barbara islands found in sections 630 (b)(5)(C) and 630 (b)(102)(B), Title 14, California Code of Regulations, and three ecological reserves at Anacapa, San Miguel, and Santa Barbara islands. The proposed regulations would re-designate these under the new MPA Section (632, Title 14, California Code of Regulations). Existing regulations on activities in the ecological reserves other than the invertebrate closures would be maintained in the new designations. The proposed regulations also alter the boundaries of the Cowcod Conservation Area around Santa Barbara Island found in Section 27.82(a), Title 14, California Code of Regulations.

Should none of the above MPA alternatives be chosen, the existing MPAs would remain unchanged. At present, this includes the no-take area and two invertebrate closures at Anacapa Island, an invertebrate closure at Santa Barbara Island, and seasonal marine mammal and sea bird protective closures at San Miguel, Anacapa, and Santa Barbara islands.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on Friday, February 8, 2002, at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Hubbs-Sea World Institute, Shedd Auditorium, 2595 Ingraham Blvd., San Diego, CA on Thursday, March 7, 2002 at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at California State University, Dumke Auditorium, 401 Golden Shore, Long Beach, CA on Thursday, April 4, 2002 at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at City Council Chambers, 990 Palm Street, San Luis Obispo, CA on Friday, August 2, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, July 26, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than August 2, 2002, at the hearing in San Luis Obispo, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy Reed at the preceding address or phone number. John Ugoretz, Marine Region, Department of Fish and Game, phone (805) 560-6758, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed,

they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Each alternative may have negative short-term impacts on commercial and recreational fishing businesses. The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a Step 1 analysis or "maximum potential loss." This analysis simply sums up the activity that currently takes place within a given alternative and translates these activities into corresponding economic values. Maximum potential loss does not take into account other management strategies/regulations and human behavioral changes, such as moving to other areas or changing fishing gear, that may mitigate, offset, or make matters better or worse. In addition, maximum potential loss does not consider possible future benefits. Comparisons of maximum potential loss to commercial fish landings, income derived from recreational fisheries, and maximum impact to non-consumptive user derived income were computed for each alternative, as well as expansions of the direct impacts of commercial fish landings to local economies. It is important to note that non-consumptive users are considered beneficiaries of MPAs and thus impact to non-consumptive income is positive.

These calculations represent the loss and value in the initial State water phase of each alternative. Full comparisons of maximum potential loss and values for both State and federal phases have also been computed.

The potential impacts of the Department's recommended preferred alternative are detailed here and compared to the other alternatives. The maximum potential loss to commercial fish landings would

vary between 1.7% and 16.5% of annual ex-vessel value generated in Sanctuary waters in the Department preferred alternative. This reflects a combined maximum potential annual ex-vessel loss of \$3,222,810 (1996–1999 average ex-vessel value) to commercial fisheries. This loss can be expanded to include losses in total income including processors, fish buyers and other related business. This maximum potential loss in income from commercial activities to all counties is estimated at \$9,910,520 per year.

The maximum potential loss to income derived from recreational fishing varies between 9.9% and 26.2% annually in the Department preferred alternative. This represents a maximum potential loss in income of \$5,720,077 generated by recreational fishing annually.

Maximum potential impact to income derived from non-consumptive activities (diving, whale watching, kayaking, sightseeing, and sailing) ranges between 10.8% and 29.1% annually in the Department preferred alternative. This represents a maximum potential annual income of \$1,385,756 generated by non-consumptive activities annually. Non-consumptive income is that supported by existing activities. This income is expected to increase over time by an unknown amount due to expected improvement in site quality.

In the long term, the potential negative impacts are expected to be balanced by the positive impacts of sustainable fisheries, non-consumptive benefits, and ecosystem function in the reserve areas. In addition potential benefits may be realized through adult fish spillover to areas adjacent marine reserves and larval transport to distant fished sites.

The Commission has made an initial determination that the adoption/amendment of this regulation may have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
- (ii) consolidation or simplification of compliance and reporting requirements for businesses;
- (iii) the use of performance standards rather than prescriptive standards; or

(iv) exemption or partial exemption from the regulatory requirements for business.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial and recreational fishing and non-consumptive activities. As with economic impacts, the impacts listed here are a Step 1 or "maximum potential loss" analysis. This analysis simply sums up the activity that currently takes place within a given alternative and translates these activities into corresponding economic values. Maximum potential loss does not take into account other management strategies/regulations and human behavioral changes that may mitigate, offset, or make matters better or worse. In addition, maximum potential loss does not consider possible future benefits.

The maximum potential numbers of jobs lost relating to commercial and recreational fishing activities is estimated to be 435 and the existing jobs supported by non-consumptive is estimated to be 37 under the preferred alternative. This represents the potential elimination of jobs in the initial State water phase. The range in job losses for the other alternatives is from 224 (Alternative 1) to 564. The range of jobs supported by non-consumptive activity for the other alternatives is 12 (Alternative 3) to 44 (Alternative 5). Non-consumptive jobs are those supported by existing activities. These jobs are expected to increase over time by an unknown amount due to improvements in site quality.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/ Savings in Federal funding to the State:

Any additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and depend on not only the impacts of the proposed regulation but other regulations and processes as well. Current cooperative efforts with the Sanctuary and Channel Islands National Park provide funding for some existing costs and are expected to increase with the adoption of these regulations. While changes in enforcement, monitoring, and management may

occur, these changes are not expected to create significant changes to funding or costs to State agencies.

Enforcement Efforts

The Department's Marine Region currently deploys 57 law enforcement officers statewide. In the Santa Barbara and Ventura county area 3 lieutenants and 4 wardens/boarding officers positions are funded and would form the baseline of MPA enforcement. One 54 ft (16.5 m) patrol boat will be stationed in Ventura in the coming year. A second 54 ft patrol boat is presently stationed in Dana Point and assists with enforcement in the Channel Islands. Marine Region wardens currently enforce a range of regulations around the Channel Islands. The proposed regulations may change the specific enforcement duties, but not the level of effort.

The Sanctuary contributes funds directly to the Department to enhance enforcement capabilities in Sanctuary waters. This funding is estimated to continue at a rate of \$30,000 per year. In addition the Sanctuary conducts aerial surveys which add to the enforcement coverage.

The Channel Islands National Park employs six full time rangers stationed on the islands. These rangers are deputized to enforce all federal, state, and county laws and regulations within one nautical mile of the shoreline. The National Park has three patrol boats stationed at the islands and primarily used for the enforcement of marine laws and regulations as well as public safety.

Research and Monitoring Efforts

Fishery-dependent information refers to data collected from fishing harvest, either from a commercial or recreational fishery. Fishery-dependent monitoring and data collection are concerned with activities that remove fish from the resource (extractive uses). These assessments will continue regardless of MPA establishment.

The Department has assessed a variety of fisheries and species through independent methods including dive, trawl, hydroacoustic, and other surveys. These efforts are expected to increase with the establishment of MPAs, however much of this may be completed by grant funded university and other researchers. The proposed regulations do not specifically require increases in Department costs.

The Sanctuary conducts a variety of ongoing monitoring programs at the Channel Islands. These include a collaborative research program, which links fishermen with scientists, aerial monitoring, habitat mapping, seabird research,

kelp forest monitoring (in conjunction with the National Park), oceanographic sampling, intertidal monitoring (in conjunction with the National Park), and acoustic tracking of giant seabass. These activities are expected to continue with additional funds designated towards monitoring new MPAs.

The Channel Islands National Park also conducts a variety of monitoring programs. These include seabird monitoring, rocky intertidal monitoring, kelp forest monitoring, and ecological research. The continuation of these long-term programs not only provides a baseline of data on resource status but will allow examinations of the effectiveness of MPAs. The proposed network of reserves contains existing monitoring both within and outside MPAs.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The agency must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 18. BOARD OF EQUALIZATION

NOTICE OF RESCHEDULED PUBLIC HEARING

Previously Published as Notice File Number
Z01-1211-03 on December 21, 2001

BY NOTICE dated December 21, 2001 and published in the December 21, 2001 California Regulatory Notice Register 2001, Number 51Z, the State Board of Equalization, announced that it would conduct a public hearing on February 6, 2002 to consider proposed amendment to Rule 21, Taxable Possessory Interests-Valuation, and deletion of Rules 23, 24, 25, and 26 in Title 18, Division 1 of the

California Code of Regulations. A decision was made to postpone the public hearing.

A rescheduled public hearing on the proposed amendment and deletion of the regulations will be held on March 27, 2002, in Room 121, 450 N Street, Sacramento, CA at 1:30 p.m., or as soon thereafter as the matter may be heard. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by March 27, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revenue and Taxation Code section 107 provides for the property taxation of certain private possessory interests in publicly owned real property. Rule 20 defines taxable possessory interests for property tax purposes. Existing Rules 21, 23, 24, 25, and 26 address the valuation and assessment of taxable possessory interests.

The assessment of taxable possessory interests by the counties with respect to the determination of the "term of possession" for valuation purposes is lacking in consistency and uniformity. Proposed amended Rule 21 addresses the valuation of taxable possessory interests in a unified fashion. Rule 21 is amended and Rules 23, 24, 25, and 26 are deleted for the purpose of revising and combining existing Rules 21, 23, 24, 25, and 26 into a single, comprehensive rule. In addition, the proposed rule amendments are intended to provide guidance and uniformity in the valuation of taxable possessory interests, particularly in the area of "term of possession." The proposed rule amendments and deletions are also intended to implement the court's holding in *American Airlines, Inc. v. County of Los Angeles* (1976) 65 Cal.App.3d 325, with respect to those circumstances that will justify the use of a "term of possession" that is longer or shorter than the contract lease term for purposes of property tax valuation.

Rule 21. Possessory Interest Definitions.

Proposed for amendment to unify, revise, and update existing Rules 21, 23, 24, 25, and 26, and to make them consistent with the court's holding in *American Airlines, Inc. v. County of Los Angeles, supra*.

Rule 23. Written Agreements as to Term of Possessory Interests.

Proposed for deletion because its provisions have been either incorporated into the proposed amendments to Rule 21 or deleted as no longer valid.

Rule 24. Possessory Interest Rights to be Valued.

Proposed for deletion because its provisions have been either incorporated into the proposed amendments to Rule 21 or deleted as no longer valid.

Rule 25. Valuation of Post-De Luz Possessory Interests.

Proposed for deletion because its provisions have been either incorporated into the proposed amendments to Rule 21 or deleted as no longer valid.

Rule 26. Valuation of Pre-De Luz Possessory Interests.

Proposed for deletion because its provisions have been either incorporated into the proposed amendments to Rule 21 or deleted as no longer valid.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The State Board of Equalization has determined that the proposed amendment of Rule 21 and the deletion of Rules 23, 24, 25, and 26 do not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed rule amendments and deletions will not result in direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with § 17500) of Division 4 of Title 2 of the Government Code, or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization makes an initial determination that the amendment of Rule 21 and deletion of Rule 23, 24, 25, and 26 will not have a significant statewide adverse economic impact directly affecting business.

The proposed rule amendments and deletion will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The proposed rule amendments and deletions will not be detrimental to California businesses in competing with businesses in other states.

The proposed rule amendments and deletions will not affect small business because they only make specific the required assessment practices of county assessors and does not impose any additional compliance or reporting requirements on taxpayers.

**COST IMPACT ON PRIVATE PERSONS
OR BUSINESSES**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Rules 21, 23, 24, 25, and 26 have no comparable Federal regulations.

AUTHORITY

Government Code section 15606, subdivision (c).

REFERENCE

Revenue and Taxation Code section 107 and 107.1.

CONTACT

Questions regarding the substance of the proposed rule amendments and deletions should be directed to Mr. Robert Lambert, Senior Tax Counsel, Property Tax Section, telephone (916) 324-6593, fax (916) 323-3387, email Robert.Lambert@boe.ca.gov or by mail at State Board of Equalization, Attn: Robert Lambert, MIC:82, P.O. Box 942879, 450 N Street, Sacramento, CA 94729-0082.

The Board will consider comments on the changed Rule if received by March 27, 2002. Written comments for the Board's consideration, notice of intent to present testimony or witnesses, and inquiries concerning the proposed administrative action should be directed to Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, email Diane.Olson@boe.ca.gov or to Joann Richmond, Property Taxes Analyst, telephone (916) 322-1931, email Joann.Richmond@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Joann Richmond, MIC: 80, P.O. Box 942879, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS**

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed rule amendments and deletions.

Those documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. Requests for copies should be addressed to Ms. Diane Olson, Regulations Coordinator, (916) 322-9569, at P. O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94279-0080. The express terms of the proposed regulation (rule) amendments and deletions are available on the Internet at the Board's website <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed rule. It is also available for public inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with law, adopt the proposed rule amendments and deletions if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the rule. The text of the modified rule amendments and deletions will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified rule amendments and deletions will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified rule for fifteen days after the date on which the modified rule is made available to the public.

TITLE 18. BOARD OF EQUALIZATION

NOTICE OF RESCHEDULED PUBLIC HEARING

Previously Published as Notice File Number
Z01-1211-03 on December 21, 2001

BY NOTICE dated December 21, 2001 and published in the December 21, 2001 California Regulatory Notice Register 2001, Number 51Z, the State Board of Equalization, announced that it would conduct a public hearing on February 6, 2002 to consider proposed proposes to amend Property Tax Rule 252, Content of Assessment Roll, Rule 254, Use of Board-prepared Roll as Unextended Roll, and Rule

261 Penalties; Form and Manner of Entry (Sections 252, 254 and 261, Title 18, of the California Code of Regulations); to add Rule 255, Enrollment of Supplemental Assessments, Rule 263, Roll Corrections, Rule 264, Base Year Value Corrections and Rule 265, Board Ordered Roll Changes (Sections 255, 263, 264 and 265, Title 18, of the California Code of Regulations); to repeal Rule 253, Machine Prepared Roll, Controls, Rule 256 Tape Storage of Roll Data and Rule 262 Indexing Assessments of Escaped Property (Sections 253, 256 and 262, Title 18, of the California Code of Regulations); and to renumbering Rule 304 as Rule 266 (Section 304, Title 18, of the California Code of Regulations). A decision was made to postpone the public hearing.

A rescheduled public hearing on the proposed adoption, amendment, deletion and renumbering of the regulations will be held on March 27, 2002 in Room 121, 450 N Street, Sacramento, CA at 1:30 p.m., or as soon thereafter as the matter may be heard. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by March 27, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under Government Code section 15606, subdivision (c), the Board is given the authority to prescribe rules and regulations to govern local boards of equalization when equalizing and assessors when assessing. Pursuant to that authority, the Board proposes to revise sections of Title 18 of the California Code of Regulations, Subchapter 2, Article 6 Local Roll, Property Tax Rules 252 through 262 and Subchapter 3, Article 1 Local Equalization, Property Tax Rule 304, the Property Tax Rules governing local assessment roll procedures. These rules have not been revised for several years and for that reason need to be brought up-to-date with technological changes in roll processing and record-keeping procedures and in conformity with statutory changes. Enactment of the proposed revisions will promote uniformity among counties with respect to local assessment roll procedures.

The rules are being revised to interpret, implement and make specific Revenue and Taxation Code sections 51.5, 75.7, 75.11, 75.30, 75.31, 75.40, 75.41, 75.42, 109, 109.5, 505, 533, 601 through 623, 1602, 1612, 1614, 1646, 1646.1, 2152, 2188.2, 2190, 2190.2, 2601, 4831, 4831.5, 4834, 4835, 4838, and 4840. The proposed amendments are intended to reflect current technology in the electronic format used for roll processing and record-keeping and to require specific items on the assessment roll, which are prescribed by

statute. The proposed additions interpret and implement statutory changes related to assessment roll procedures concerning the making of and correction of roll entries. The proposed repeals delete outdated procedures that are not required by statute. The proposed renumbering places the rule within the appropriate subchapter and article governing assessment roll procedures.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed revisions to Rules 252, 253, 254, 255, 256, 261, 262, 263, 264, 265, 266 and 304 do not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed revisions will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code, or other non-discretionary costs or savings imposed on local agencies, or costs or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5 (a)(8), the Board of Equalization makes an initial determination that the adoption of proposed revisions to Rules 252, 253, 254, 255, 256, 261, 262, 263, 264, 265, 266 and 304 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed rule revisions will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The rule revisions as proposed will not be detrimental to California businesses in competing with businesses in other states.

The proposed rule revisions may affect small business.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Rules 252, 253, 254, 255, 256, 261, 262, 263, 264, 265, 266 and 304 have no comparable Federal regulations.

AUTHORITY

Government Code section 15606, subdivision (c).

REFERENCE

Sections 51.5, 75.7, 75.11, 75.30, 75.31, 75.40, 75.41, 75.42, 109, 109.5, 505, 533, 601 through 623, 1602, 1612, 1614, 1646, 1646.1, 2152, 2188.2, 2190, 2190.2, 2601, 4831, 4831.5, 4834, 4835, 4838, and 4840, Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Mr. Louis Ambrose, Senior Tax Counsel, Property Tax Section, telephone (916) 445-5580, fax (916) 323-3387, email Lou.Ambrose@boe.ca.gov or by mail at State Board of Equalization, Attn: Louis Ambrose MIC:82, P.O. Box 942879, 450 N Street, Sacramento, CA 94729-0082.

The Board will consider comments on the changed Rule if received by March 27, 2002. Written comments for the Board's consideration, notice of intent to present testimony or witnesses, and inquiries concerning the proposed administrative action should be directed to Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, email Diane.Olson@boe.ca.gov or to Joann Richmond, Property Taxes Analyst, telephone (916) 322-1931, email Joann.Richmond@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Joann Richmond, MIC: 80, P.O. Box 942879, Sacramento, CA 94729-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed rule amendment. Those documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. Requests for copies should be addressed to Ms. Diane Olson, Regulations Coordinator, (916) 322-9569, at P. O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94729-0080.

The express terms of the proposed regulation (rule) amendment is available on the Internet at the Board's website <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed rule amendment. It is also available for public inspection at 450 N Street, Sacramento, California 95814.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with law, adopt the proposed rule revisions if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the rule revisions. The text of the modified rule or rules will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified rule or rules will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified rule or rules for fifteen days after the date on which the modified rule or rules are made available to the public.

TITLE 20. PUBLIC UTILITIES COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION

The California Public Utilities Commission (Commission) proposes to repeal Rule 63.2(b) of its Rules of Practice and Procedure (Rules), which provides for the automatic reassignment of the assigned Administrative Law Judge (ALJ) in ratesetting proceedings, and to make minor related changes to Rule 63.2(c) and 63.2(d).

AUTHORITY AND REFERENCE

California Constitution Article XII, section 2 and Public Utilities Code section 1701 authorize the Commission to adopt the proposed regulations that would implement Public Utilities Code section 1701.3(b) and California Constitution Article XII, section 2.

INFORMATIVE DIGEST

In 1997, the Commission adopted final rules implementing Senate Bill (SB 960). (Stats 1996, ch.

856). These rules include Rule 63.2(b), which provides for the automatic reassignment of the ALJ in ratesetting proceedings.

Petitions for automatic reassignment of the ALJ pursuant to Rule 63.2(b) differ substantially from our procedures for unlimited peremptory challenges of the ALJ and challenges of the ALJ for cause. Rule 63.3 permits parties in adjudicatory or ratesetting proceedings to file an unlimited number of petitions for reassignment of the ALJ if the assigned ALJ has (1) served within the previous 12 months in any capacity in an advocacy position at the Commission or has been employed by a regulated public utility, (2) has served in a representative capacity in the proceeding, or (3) has been a party to the proceeding. Rule 63.4 permits a party to petition for reassignment of the ALJ in any proceeding if the assigned ALJ has a financial interest in the subject matter of the proceeding or in a party to the proceeding, or has bias, prejudice, or interest in the proceeding.

In contrast, under Rule 63.2(b), parties in ratesetting proceedings may petition for the automatic reassignment of the ALJ, based on a petition and a declaration or affidavit, which states under penalty of perjury that the party cannot have a fair or expeditious hearing before the assigned ALJ. This petition must be filed within 10 days after notice of assignment of the ALJ. The Chief ALJ must issue a ruling granting the petition, unless the petition is not timely or exceeds the number of permitted petitions for the proceeding.

A party may file a second petition for automatic reassignment, no later than 10 days after the Chief ALJ's ruling. Only two petitions for automatic reassignment are permitted in the same ratesetting proceeding.

Since the adoption of Rule 63.2(b) in 1997, the Commission's workload has increased, in significant part because of California's energy crisis. The Commission must process cases quickly and efficiently to respond to California's energy crisis, to meet statutory deadlines for the completion of proceedings imposed by S.B. 960, while maintaining its programs for all of the industries and activities regulated under the Public Utilities Code. In addition, the Commission has a limited number of ALJ's available, and this number is further constrained by the hiring freeze imposed by Executive Order D-48-01. The Commission notes that permitting 2 petitions for automatic reassignment of the ALJ in ratesetting proceedings may delay its work on a proceeding for over 20 days while issues related to the reassignment of the ALJ are resolved.

The proposed repeal of Rule 63.2(b) would eliminate unnecessary delays associated with reassignment of the ALJ in ratesetting matters and would help the Commission to utilize its limited ALJ staff wisely.

The proposed repeal of Rule 63.2(b) would not deny parties in ratesetting proceedings a fair hearing before an unbiased ALJ, because the Commission would retain Rule 63.3 and Rule 63.4 regarding unlimited peremptory challenges and challenges for cause. In addition, since Rule 63.2(b) only permits two petitions for automatic reassignment of the ALJ, and ratesetting proceedings may involve a number of parties, not all parties in ratesetting proceedings would have the opportunity to petition for automatic reassignment of the ALJ.

State law does not require the Commission to permit petitions for automatic reassignment of the ALJ in ratesetting proceedings.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments to the Commission by no later than 5:00 p.m. on March 18, 2002. Reply comments (replies to comments filed by other parties) shall be filed no later than 5:00 p.m. on March 28, 2002. Comments and reply comments should be filed with the Commission Docket Office, 505 Van Ness Avenue, San Francisco, CA 94102 and should be concurrently mailed to ALJ Myra Prestidge at the same address or e-mailed to ALJ Prestidge at tom@cpuc.ca.gov.

The Commission invites interested persons to present statements or arguments with respect to any alternatives to the proposed repeal of Rule 63.2(b) in their written comments.

REQUEST FOR PUBLIC HEARING

Although the Commission does not plan to hold a hearing on this matter, interested parties may request a public hearing in writing by no later than 5:00 p.m. on March 13, 2002. Requests for a public hearing should be filed with the Commission Docket Office and mailed or e-mailed to ALJ Prestidge as indicated above.

CONTACT PERSON

If you have questions regarding this notice or would like additional information, please contact ALJ Prestidge at the above address and e-mail address, by telephone at (415) 703-2629 or by facsimile at (415) 703-1723.

TITLE 22. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO PREAMBLE TO DIVISION 2, CHAPTER 3, ARTICLE 1 AND SECTIONS 12102–12302, 12304–12504, 12601, 12701, 12705, 12709, 12711, 12721–14000 SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 22, California Code of Regulations, Preamble to Division 2, Chapter 3, Article 1, Sections 12102, 12302, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12601, 12701, 12705, 12709, 12711, 12721, 12801, 12803, 12805, 12821, 12901, 12902, 12903, and 14000. OEHHA proposes to repeal Sections 12103 and 12104 but renumber them as Sections 12203 and 12204, respectively and also to repeal Sections 12201 and 12301.

PUBLIC PROCEEDINGS

A public hearing will be held on **Monday, March 18, 2002**, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The public hearing will commence at 10:00 a.m. in the Coastal Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California and will last until all business has been conducted, or until 5:00 p.m.

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **Monday, March 18, 2002**, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action may be sent by mail or by facsimile addressed to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P. O. Box 4010
Sacramento, California 95812-4010
FAX: (916) 323-8803
Telephone: (916) 445-6900

Comments sent by courier should be delivered to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
1001 I Street, 19th Floor
Sacramento, California 95814

Comments may also be transmitted via email addressed to: (coshita@oehha.ca.gov).

It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the substance and processing of the action described in this notice may be directed to Cynthia Oshita, in writing at the address given above, or by telephone at (916) 445-6900. Ms. Susan Luong is a back-up contact person for inquiries concerning processing of this action and is available at the same telephone number.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as Proposition 65 (hereinafter referred to as "Proposition 65" or "the Act"), was enacted as a voters' initiative on November 4, 1986. Mandates of the statute include the prohibition on contaminating sources of drinking water with chemicals known to the state to cause cancer or reproductive harm (Health and Safety Code Section 25249.5); the requirement upon businesses to provide warnings before exposing individuals to chemicals known to the state to cause cancer or reproductive harm (Health and Safety Code Section 25249.6); and the requirement upon the Governor to at least annually update the list of chemicals known to the state to cause cancer or reproductive harm (Health and Safety Code Section 25249.8.) During the late 1980s and early 1990s, implementing regulations were adopted in Title 22, California Code of Regulations, commencing with Section 12000 to interpret and make specific the statutory mandates.

The existing regulations established the basic foundation for the implementation of the Act. It has been several years since amendments or additions have been made to the existing regulations. In an effort to provide useful guidance to the regulated community, OEHHA plans to review the existing regulations and propose amendments to those sections that would benefit from additional regulatory clarification. This process will be proposed in phases. This notice represents the first phase in a series that OEHHA will undertake. OEHHA begins with minor changes of a less complex nature. The proposed changes include: changes to outdated terminology, consistency of references, consolidation and alphabetization of definitions into one section coupled with the repeal of other definition sections, relocation and renumbering of sections for regulatory continuity, and grammatical corrections.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.7, 25249.8, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Office of Environmental Health Hazard Assessment has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation does not affect small business as the term is defined by Government Code Section 11342.610 since Proposition 65 does not apply to businesses with fewer than ten employees.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulations, all the critical information upon which the regulation is based, and the text of the proposed regulations. A copy of the Initial Statement of Reasons and a copy of the text of the proposed regulations are available upon request from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the changed proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such change. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF CORPORATIONS

INVITATION FOR COMMENTS ON ADMINISTRATIVE REGULATIONS UNDER THE CORPORATE SECURITIES LAW OF 1968 SECURITIES OPTION AND PURCHASE PLANS

NOTICE IN REPLY

REFER TO: FILE NO: PRO 27/01

Pursuant to Government Code Section 11346(b), the Department of Corporations ("Department") is inviting comments from interested persons regarding the following regulations under the Corporate Securities Law of 1968 ("CSL"):

- Title 10, *California Code of Regulations*, section 260.140.41, Employee, Director and Consultant Options.
- Title 10, *California Code of Regulations*, section 260.140.42, Employee, Director and Consultant Purchases.
- Title 10, *California Code of Regulations*, section 260.140.45, Limitation on Number of Shares.
- Title 10, *California Code of Regulations*, section 260.140.46, Information to Employees.

These rules pertain to securities qualification standards for employee, director, and consultant option and purchase plans. Comments from interested persons will assist the Department in determining whether additional amendments are necessary and appropriate.

BACKGROUND

The Department is seeking a broad range of comments on whether changes are necessary to the securities qualification standards for employee, director, and consultant option and purchase plans. In soliciting comments, the Department seeks to ensure that all interests are fairly represented and considered before any changes to the rules are proposed for adoption.

In 1999, the Department proposed amendments to Sections 260.140.41, 260.140.42 and 260.140.45 of title 10 of the California Code of Regulations (published in Cal. Reg. Notice Register 99, No. 01-Z, p. 26, hereinafter referred to as the "1999 Rulemaking Project"). The 1999 Rulemaking Project was subsequently abandoned due to concerns that the proposed amendments may not be in the public interest and for the protection of investors.

In 2001, the Department proposed amendments to Sections 260.140.41, 260.140.42, 260.140.45, and 260.140.46 of title 10 of the California Code of Regulations to implement the statutory change to Section 25102(o) of the Corporations Code enacted by SB 1837 (Chap. 705, Stats. 2000)(hereinafter referred to as the "2001 Rulemaking Project"). In relevant part, SB 1837 provided that the offer or sale of any security issued by a limited liability company pursuant to a purchase plan or agreement is exempt from the qualification requirements of Section 25110 of the Corporations Code if certain requirements are met, including the requirement that the terms of any purchase plan or agreement comply with Sections 260.140.42, 260.140.45, and 260.140.46 of Title 10 of the California Code of Regulations, and the terms of any option plan or agreement comply with Sections 260.140.41, 260.140.45, and 260.140.46 of Title 10 of the California Code of Regulations.

During the comment period for the 2001 Rulemaking Project, the Department received several comments requesting it to amend the regulations in the manner previously proposed in the 1999 Rulemaking Project. These amendments are outside the scope of the 2001 Rulemaking Project. However, given the recent developments with respect to stock compensation and the continued interest in amending these regulations, the Department is inviting comments from interested persons to determine whether additional revisions to these rules are in the public interest and for the protection of investors.

QUESTIONS UNDER CONSIDERATION

Should Sections 260.140.41, 260.140.42, 260.140.45, and 260.140.46 of title 10 of the California Code of Regulations be further modified? If so, how?

FORMAT FOR COMMENTS

For each and every suggested change to the above regulations, the Department requests that comments address and provide explanations to all of the following questions:

1. What is the problem that the suggested change is addressing?
2. What does the suggested change do to resolve the problem?
3. Why is the suggested change necessary?
4. How is the suggested change:
 - (a) Consistent with the purposes of the CSL?
 - (b) Consistent with the provisions of the CSL?
5. What existing laws or regulations are directly related to the proposed change?

6. What are the benefits and burdens of the suggested change to:
 - (a) The issuer?
 - (b) The option holders/plan participants?
 - (c) Other security holders?
 - (d) Any other third parties (including any private person or business)?
7. What positive or negative fiscal impact (if any) does the suggested change have on:
 - (a) The issuer?
 - (b) Option holders/plan participants?
 - (c) Other security holders?
 - (d) Any other third parties (including any private person or business)?
8. What significant adverse economic impact (if any) will the proposed changes have on any private person or business?
9. How will the suggested change (if applicable):
 - (a) Impact the ability of California businesses to compete with businesses in other states?
 - (b) Create or eliminate jobs in California?
 - (c) Create new businesses or eliminate existing businesses within California?
 - (d) Expand businesses currently doing business within California?
 - (e) Result in any cost impact that a private person or business would necessarily incur in reasonable compliance with the suggested change?
10. What alternatives (if any) are available that would:
 - (a) Be more effective in carrying out the purpose of the proposed change?
 - (b) Be as effective but less burdensome to any affected private person than the proposed change?
 - (c) Lessen the adverse impact (if any) on small business?
11. How does the proposed change:
 - (a) Serve the public interest?
 - (b) Protect investors?

TIME FOR COMMENTS

The Department requests comments be received by:
Friday, April 26, 2002.

WHERE TO SUBMIT COMMENTS

Please reference PRO 27/01 in correspondence to the Department. Please submit comments as follows:

Kathy Womack
 Office of Law and Legislation
 Department of Corporations
 1515 K Street, Suite 200
 Sacramento, CA 95814-4052

Written comments may also be sent to Kathy Womack (1) via electronic mail at regulations@corp.ca.gov or (2) via fax (916) 322-5875.

CONTACT PERSONS

Nonsubstantive inquiries concerning this INVITATION FOR COMMENTS, such as requests for copies of documents or questions regarding timelines, may be directed to Kathy Womack at (916) 322-3553. Inquiries regarding the substance of this invitation for comments may be directed to Colleen E. Monahan, Corporations Counsel, at (916) 323-7384.

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into the State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Humboldt Bay Bridges Seismic Retrofit Project Humboldt County

The Department of Fish and Game ("Department") received notice on January 15, 2002 that the California Department of Transportation ("CalTrans") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of performing construction on and modifications to the footings of the State Route 255 bridge over Humboldt Bay in order to improve Seismic protection. The activities will impact eelgrass beds, which are important to several species of listed salmon.

The National Marine Fisheries Service, on August 15, 2001, issued to the Federal Highway Administration (FHWA), a no jeopardy federal biological opinion (HUM-255-PM 0.2/1.9) which considers the Federally threatened and State candidate Coho Salmon (*Oncorhynchus kisutch*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, CalTrans is requesting a determination on whether the Federal Biological Opinion HUM-255-PM 0.2/1.9 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, CalTrans will not be required to obtain an incidental take permit under CESA for the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR North Baja Pipeline Project Riverside and Imperial Counties

The Department of Fish and Game ("Department") received notice on January 18, 2002 that PG&E National Energy Group/North Baja Pipeline, LLC proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction and operation of 79.9 miles of natural gas pipeline, a new compressor station, two meter stations, and related roads and facilities. The activities will impact approximately 959.6 acres of land.

The U.S. Fish and Wildlife Service, on January 15, 2002, issued to the Federal Energy Regulatory Commission, a no jeopardy federal biological opinion (FWS-IMP-2398) which considers the Federally and State threatened desert tortoise (*Gopherus agassizii*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination on whether the Federal Biological Opinion FWS-IMP-2398 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, PG&E/North Baja Pipeline, LLC will not be required to obtain an incidental take permit under CESA for the proposed project.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections

PETITIONER

Jamel Walker.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition for adoption of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections adopt regulations to be incorporated into the California Code of Regulations (CCR), Title 15, Division 3, to amend regulations relating to "excused time off (ETO)." Petitioner asks the amendment of this regulation so as to permit use of ETO to attend Sabbath day religious services that are obligatory as a fundamental tenet in the exercise of their religious beliefs.

DEPARTMENT DECISION

The Director of Corrections denies the petition to adopt new regulations to permit use of ETO for the purpose stated.

The Department of Corrections is currently involved in litigation that concerns the same subject matter as is contained in this petition. The lead case in this litigation is entitled *Mayweathers, et. al. v. Terhune, et. al.*; **United States District Court, Eastern District**. The District Court has designated that there are 45 other cases related to the *Mayweathers v. Terhune* case and has stayed those 45 others cases pending a decision in *Mayweathers*. Changes in the CCR with respect to this issue will occur, if necessary, after the *Mayweathers v. Terhune* case has been decided.

Therefore, petitioner's suggested changes are not appropriate pending the outcome of the litigation cited herein. The petition is denied.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EQUALIZATION

Cigarette and Tobacco Products Tax Regulations

This rulemaking action revises the cigarette tax regulations to conform to legislative changes made in 1989, 1992, and 1993, and to other changes such as the recent tobacco litigation settlement agreements. The action adds "tobacco products" to "cigarettes" in several provisions, clarifies the treatment of cigarette and tobacco product sample giveaways, updates terminology, revises record keeping, adding provisions regarding electronic record keeping, and makes other similar revisions.

Title 18

California Code of Regulations

ADOPT: 4063.5, 4098 AMEND: 4018, 4021, 4022, 4023, 4026, 4027, 4034, 4047, 4055, 4056, 4057, 4058, 4059, 4060, 4062, 4063, 4064, 4065, 4080, 4081, 4091, 4092 REPEAL: 4028, 4067, 4079, 4082

Filed 01/16/02

Effective 02/15/02

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF PSYCHOLOGY

Supervised Professional Experience

The Board of Psychology is amending the captioned section pertaining to supervised professional experience changing an internal cross-reference.

Title 16

California Code of Regulations

AMEND: 1391.7

Filed 01/18/02

Effective 02/17/02

Agency Contact: Kathy Bradbury (916) 263-0712

CALIFORNIA APPRENTICESHIP COUNCIL

Regulation of Apprenticeship

This rulemaking action revises (1) the calculation of minimum wages and compensation for apprentices on public and private projects; (2) the approval, registration, and termination process for apprentice agree-

ments; (3) standards, eligibility and procedures for apprenticeship programs; (4) audit requirements; (5) deregistration of programs; and (6) public works apprentice requirements.

Title 8

California Code of Regulations

ADOPT: 206, 207 AMEND: 201, 205, 208, 212, 212.01, 212.2, 212.3, 212.4, 228, 229, 230, 231, 230.1, 230.2, 234.2

Filed 01/17/02

Effective 02/16/02

Agency Contact: Henry P. Nunn

CALIFORNIA HORSE RACING BOARD

Market Access Fee For Wagers Placed by a California Resident

This action specifies the computation of the Market Access Fee by restating language from Business and Professions Code section 19604, subdivision (b).

Title 4

California Code of Regulations

ADOPT: 2081

Filed 01/18/02

Effective 01/18/02

Agency Contact: Pat Noble (916) 263-6033

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Recycling Rates

This is the emergency readoption of an amendment to the definition of the term "recycling rate" necessary so that annual determinations concerning attainment of the statutory recycling goals of 25% and 55% will be based upon data reported during the previous year.

Title 14

California Code of Regulations

AMEND: 17943(b)(26)

Filed 01/16/02

Effective 01/16/02

Agency Contact: Jan Howard (916) 341-6514

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Substance Abuse and Crime Prevention Act of 2000

This Certificate of Compliance implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9

California Code of Regulations

ADOPT: 9533 AMEND: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9535, 9540, 9545

Filed 01/17/02

Effective 01/17/02

Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF SOCIAL SERVICES
Transitional Shelter Care Facility Regulations

This emergency rulemaking action establishes the requirements for licensure as a Transitional Shelter Care Facility.

Title 22
 California Code of Regulations
 ADOPT: 84400, 84401, 84422, 84461, 84465, 84468.1, 84468.2, 84468.4, 84478 REPEAL: 84001, 84022, 84061, 84063, 84065, 84300, 84322, 84322.1, 84322.2, 84361, 84365, 84365.5, 84368.3, 84369
 Filed 01/17/02
 Effective 02/01/02
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Adult Protective Services Program

The regulatory action deals with the Adult Protective Services Program. (Prior OAL File 01-0807-03S; California Department of Social Services File 0600-15.)

Title MPP
 California Code of Regulations
 ADOPT: 33-135 AMEND: 33-120, 33-510, 33-805
 Filed 01/23/02
 Effective 01/23/02
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

FAIR POLITICAL PRACTICES COMMISSION
Conflict of Interest

The Fair Political Practices Commission is amending sections 18232, 18702.1, 18705.5, and 18708 of title 2 of the California Code of Regulations. These sections pertain to salary and reimbursement for expenses or per diem received from a state, local, or federal government agency; determining when a public official is making a governmental decision; materiality standard; economic interest in personal finances; and legally required participation. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
 California Code of Regulations
 AMEND: 18232, 18702.1, 18705.5, 18708
 Filed 01/16/02
 Effective 02/15/02
 Agency Contact: Bill Williams (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Reasonable Foreseeability

This regulatory action concerns factors in determining whether a material financial effect is reasonably foreseeable (conflict of interest). The file is being submitted for filing with the Secretary of State and printing in the California Code of Regulations.

Title 2
 California Code of Regulations
 AMEND: 18706
 Filed 01/22/02
 Effective 02/21/02
 Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Online Disclosure of Contributions and Independent Expenditures

The Fair Political Practices Commission is adopting sections 18539, and 18550, of title 2, California Code of Regulations, pertaining to online disclosure of contributions and online disclosure of independent expenditures. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil 10924, dated April 27, 1992.

Title 2
 California Code of Regulations
 ADOPT: 18539, 18550
 Filed 01/16/02
 Effective 02/15/02
 Agency Contact: Scott Tocher (916) 322-5660

NEW MOTOR VEHICLE BOARD
Conflict of interest Code

This is a Conflict of Interest Code filing which has been approved by the Fair Political Practices Commission and is being submitted for printing only.

Title 13
 California Code of Regulations
 AMEND: 599
 Filed 01/18/02
 Effective 02/17/02
 Agency Contact:
 Robin P. Parker (916) 445-2080

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Airborne Contaminants

The Department of Industrial Relations, Occupational Safety and Health Standards Board is amending the captioned section; Appendix and Table AC-1. Said section pertains to airborne contaminants, the appendix pertains to the computation for exposures to contaminants with independent health effects, and the computation for exposures to contaminants with

additive health effects. and Table AC-1 pertaining to permissible exposure limits for chemical contaminants. The amendments to Table AC-1 are to correct misspellings.

Title 8

California Code of Regulations

AMEND: 5155

Filed 01/17/02

Effective 01/17/02

Agency Contact: Marley Hart (916) 274-5721

PUBLIC UTILITIES COMMISSION

Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for printing only.

Title 20

California Code of Regulations

AMEND: 201

Filed 01/16/02

Effective 02/15/02

Agency Contact:

Wesley M. Franklin (415) 703-1723

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN SEPTEMBER 19, 2001 TO
JANUARY 23, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/08/02 AMEND: 1402, 1414, 1437

Title 2

01/22/02 AMEND: 18706

01/16/02 AMEND: 18232, 18702.1, 18705.5, 18708

01/16/02 ADOPT: 18539, 18550

12/27/01 AMEND: 18428

12/26/01 AMEND: 2554(b)(4), 2555(a)(1)

12/21/01 AMEND: 1859.2, 1859.81

12/20/01 AMEND: 2300(b)

12/20/01 AMEND: 45100

12/18/01 AMEND: 2541(c), 2541(d)

12/12/01 ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370

11/27/01 ADOPT: 599.911, 599.912, 599.913

11/26/01 ADOPT: 18540

11/16/01 ADOPT: 18539.2

11/06/01 ADOPT: 18536 REPEAL: 18536

10/31/01 AMEND: 599.936

10/31/01 AMEND: 599.911, 599.912, 599.913

10/29/01 ADOPT: 18543

10/29/01 ADOPT: 18542

10/18/01 ADOPT: 18404.2

10/09/01 ADOPT: 18530.4, 18570

10/04/01 ADOPT: 18531.6

10/04/01 AMEND: 599.502, 599.508

10/01/01 AMEND: 599.616.1, 599.619, 599.631, 599.723.1

Title 3

01/14/02 AMEND: 3406(b)

01/14/02 AMEND: 3423(b)

01/08/02 AMEND: 576.1

01/04/02 AMEND: 3591.16(a)

12/27/01 AMEND: 2

12/26/01 ADOPT: 950, 951, 952, 953, 954, 955
AMEND: 900.1, 901, 927, 930, 931

12/26/01 AMEND: 6650, 6654, 6656

12/20/01 ADOPT: 7010

12/14/01 AMEND: 3700 (a),(b),(c)

12/12/01 AMEND: 3591.2(a)

12/05/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9

12/04/01 AMEND: 3591.12(a)

11/28/01 AMEND: 1359, 1392.4, 1436.30 REPEAL: 1359.1, 1360, 1361, 1362, 1363

11/28/01 AMEND: 3430(b)

11/27/01 AMEND: 6252, 6256

11/26/01 AMEND: 1380.19

10/25/01 ADOPT: 480.9 AMEND: 300(c)(1)

10/24/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9

10/19/01 ADOPT: 2302 AMEND: 2303

10/15/01 AMEND: 3591.16

10/15/01 AMEND: 6450.2, 6450.3

10/11/01 ADOPT: 6625 AMEND: 6624

10/04/01 ADOPT: 3700

10/04/01 AMEND: 3423(b)

Title 4

01/18/02 ADOPT: 2081

01/11/02 ADOPT: 4160, 4161, 4162, 4263, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171 REPEAL: 4160, 4161, 4162, 4164, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175

01/10/02 ADOPT: 2078

01/07/02 ADOPT: 2076

01/07/02 ADOPT: 2071

01/07/02 ADOPT: 2072

01/07/02 ADOPT: 2073

01/07/02 ADOPT: 2082
 01/04/02 ADOPT: 2083
 01/03/02 ADOPT: 2080
 01/03/02 ADOPT: 2075
 01/03/02 ADOPT: 2077
 01/03/02 ADOPT: 2079
 01/03/02 ADOPT: 2070
 01/03/02 ADOPT: 2074
 12/12/01 REPEAL: 143.4
 12/11/01 AMEND: 1979
 12/10/01 AMEND: 1969
 11/29/01 ADOPT: 12130
 11/20/01 AMEND: 376, 377
 11/19/01 ADOPT: 10300, 10302, 10305, 10310,
 10315, 10317, 10320, 10322, 10325,
 10326, 10327, 10328, 10330, 10335,
 10337 AMEND: 10317(c)
 11/19/01 ADOPT: 12100, 12102, 12104, 12106,
 12108, 12110, 12120
 11/01/01 AMEND: 401, 403
 10/29/01 AMEND: 8070(e)
 10/12/01 ADOPT: 4144
 10/11/01 AMEND: 1433
 10/09/01 ADOPT: 7000, 7001, 7002, 7003, 7003.5,
 7004, 7005, 7006, 7007, 7008, 7009,
 7010, 7011, 7012, 7013, 7013.1, 7013.5,
 7014, 7015, 7016, and 7017 REPEAL:
 7000, 7001, 7002, 7003, 7004, 7005,
 7006, 7007, 7008, 7009, 7010, 7011,
 7012, 7013, 7014, 7015, 7016

Title 5

01/08/02 AMEND: 1031, 1032, 1033, 1034, 1035,
 1036, 1037, 1038, 1039
 01/08/02 REPEAL: 11820, 11822, 11823, 11827,
 11828, 11829, 11831, 11832, 11833,
 11834
 01/07/02 AMEND: 73000, 73010, 73100, 73110,
 73120, 73130, 73140, 73150, 73160,
 73165, 73170, 73180, 73190, 73200,
 73210, 73230, 73240, 73260, 73270,
 73280, 73290, 73300, 73310, 73320,
 73330, 73340, 73350, 73360, 73380,
 73390, 73400, 73410, 73420, 73430,
 73440
 01/07/02 AMEND: 42713
 12/27/01 ADOPT: 31000, 31001, 31003, 31004,
 31005, 31006, 31007
 12/26/01 AMEND: 80487
 12/21/01 ADOPT: 1215, 1216, 1217, 1217.5, 1218,
 1219, 1219.5
 12/21/01 ADOPT: 31000, 31001, 31002, 31003,
 31004, 31005, 31006, 31007
 12/18/01 AMEND: 30950, 30951, 30951.1, 30952,
 30953, 30954, 30955, 30956, 30957,
 30958, 30959
 12/12/01 AMEND: 80225

12/05/01 ADOPT: 20430, 20432, 20434, 20436,
 20438, 20440, 20442, 20444
 11/26/01 AMEND: 22000
 11/19/01 AMEND: 80026, 80027
 11/15/01 AMEND: 1032(i)
 11/06/01 AMEND: 18302
 11/05/01 REPEAL: 18140, 18141, 18142, 18143,
 18144, 18145, 18146, 18147, 18148,
 18149, 18150, 18151, 18152, 18153,
 18154, 18155, 18156, 18157, 18158,
 18159, 18160, 18161, 18162, 18163,
 18164, 18165, 18166, 18167, 18168,
 18169, 18170, 18171, 18172, 18173,
 18174
 10/26/01 ADOPT: 18400, 18405, 18406, 18407,
 18408, 18409, 18409.5, 18410, 18411,
 18412, 18413, 18414, 18415, 18416,
 18417, 18418, 18419, 18420, 18421,
 18422, 18423, 18424, 18425, 18426,
 18427, 18428, 18429, 18430, 18431,
 18432, 18433, 18434
 10/22/01 AMEND: 74000, 74002, 74004, 74006,
 74008, 74010, 74014, 74016, 74018,
 74020, 74030, 74040, 74050, 74100,
 74120, 74130, 74140, 74150, 74160,
 74170, 74180, 74190, 74200, 74300,
 74310, 74320, 75000, 75020, 75030,
 75040, 75100, 75110, 75120, 75130
 10/16/01 AMEND: 53309, 53310
 10/10/01 AMEND: 59020, 59022, 59023
 10/04/01 ADOPT: 11510, 11511, 11511.5, 11512,
 11512.5, 11513, 11513.5, 11514, 11516,
 11516.5, 11517
 10/04/01 ADOPT: 40701 AMEND: 40700
 09/19/01 AMEND: 15440, 15443, 15444, 15445,
 15453, 15454, 15456, 15457, 15458,
 15459, 15467, 15468, 15472, 15474,
 15475, 15476, 15480, 15481, 15483,
 15484, 15485, 15486 REPEAL: 15469,
 15471, 15473

Title 7

12/11/01 ADOPT: 236
 11/27/01 ADOPT: 212.5

Title 8

01/17/02 AMEND: 5155
 01/17/02 ADOPT: 206, 207 AMEND: 201, 205,
 208, 212, 212.01, 212.2, 212.3, 212.4,
 228, 229, 230, 231, 230.1, 230.2, 234.2
 01/15/02 ADOPT: 17201, 17202, 17203, 17204,
 17205, 17206, 17207, 17208, 17209,
 17210, 17211, 17212, 17220, 17221,
 17222, 17223, 17224, 17225, 17226,
 17227, 17228, 17229, 17230, 17231,
 17232, 17234, 17235, 17236, 17237,
 17240, 17241, 17242, 17243, 17244,
 17245

01/15/02 ADOPT: 14300.1, 14300.2, 14300.03, 14300.04, 14300.05, 14300.06, 14300.07, 14300.08, 14300.09, 14300.10, 14300.11, 14300.12, 14300.13, 14300.14, 14300.15, 14300.16, 14300.17, 14300.18, 14300.19, 14300.20, 14300.21, 14300.22, 14300.23, 14300.24, 14300.25

01/04/02 ADOPT: 11170 AMEND: 11160

01/03/02 AMEND: 3472, 4884, 4885, 4886, 4907, 4924, 4965, 4966, 4968

12/31/01 AMEND: 9792.1

12/26/01 AMEND: 1532.1

12/24/01 AMEND: 31100

12/04/01 ADOPT: 32015, 32016, 32325, 32603, 32604, 6000, 60010, 60020, 60030, 60035, 60040, 60050, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125, 61130

11/29/01 AMEND: 5031(c)(3)

11/19/01 AMEND: 341.15

11/08/01 AMEND: 3340(c) and (d)

11/02/01 AMEND: 15212

10/30/01 ADOPT: 344.5, 344.6, 344.7, 344.8, 344.9, 344.10, 344.11, 344.12, 344.13, 344.14, 344.15, 344.16, 344.17 AMEND: Re-number 344.10 to 344.18

10/29/01 AMEND: 65

10/24/01 AMEND: 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329, Appendix A

10/23/01 AMEND: 1698(e)(1)(2)

09/27/01 AMEND: 3469

09/26/01 AMEND: 2943

Title 9

01/17/02 ADOPT: 9533 AMEND: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9535, 9540, 9545

12/12/01 ADOPT: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9533, 9535, 9540, 9545

12/10/01 AMEND: 7050, 7051, 7053, 7054, 7056, 7057

Title 10

01/10/02 AMEND: 2318.6, 2353.1

01/09/02 AMEND: 2248.31, 2248.32, 2248.35, 2248.40, 2248.41, 2248.42, and 2248.47

01/08/02 AMEND: 5460, 5461, 5462, 5463, 5464, 5465

12/31/01 ADOPT: 2695.30

12/31/01 ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5

12/26/01 AMEND: 2698.70, 2698.71

12/26/01 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5

10/31/01 AMEND: 4081, 4081.5

10/23/01 AMEND: 2699.6619, 2699.6629

10/12/01 AMEND: 2698.61, 2698.62, 2698.65, 2698.66, 2698.67

10/11/01 ADOPT: 2695.30

10/02/01 AMEND: 2248.30, 2248.31, 2248.32, 2248.33, 2248.34, 2248.39, 2248.40, 2248.41, 2248.42, 2248.43, 2248.45, 2248.47 REPEAL: 2248.48

09/25/01 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8

Title 11

01/14/02 AMEND: 1005

01/09/02 AMEND: 1081

12/31/01 AMEND: 3000, 3001, 3003, 3007

12/05/01 AMEND: 1005

10/29/01 ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426

10/17/01 AMEND: 1005, 1018

09/26/01 ADOPT: 977.10, 977.15, 977.20, 977.30, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.85, 977.90

Title 13

01/18/02 AMEND: 599

01/10/02 AMEND: 50.45 REPEAL: 50.40

10/30/01 AMEND: 553

10/24/01 AMEND: 1200, 1201, 1213.2

10/17/01 AMEND: 20.04

Title 14

01/16/02 AMEND: 17943(b)(26)

01/10/02 ADOPT: 2.10, 5.60, 28.59 AMEND: 1.24, 2.06, 4.00, 4.15, 5.00, 5.05, 5.15, 5.20, 5.35, 5.40, 5.75, 7.00, 7.50, 8.00, 27.60, 27.65, 27.82, 28.27, 28.54, 28.55, 29.15, 40 REPEAL: 2.01, 2.02, 2.03, 2.04, 2.07, 2.10, 2.13, 2.14, 5.70, 41, 41.5, 42, 42.5

01/09/02 ADOPT: 14021, 14022, 14023, 14024, 14025, 14026, 14027, 14028, 14029, 14030, 14031, 14032

12/31/01 ADOPT: 749.1

12/20/01 AMEND: 2.00

12/19/01 ADOPT: 180.4

12/17/01 AMEND: 120

12/13/01 AMEND: 670.5

12/11/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225

11/29/01 ADOPT: 1057, 1057.1, 1057.2, 1057.3, 1057.4, 1057.5, 1058, 1058.1, 1058.2, 1058.3, 1058.4, 1058.5

11/20/01 AMEND: 895.1, 898, 898.2, 914.8 [934.8, 954.8], 916 [936, 956], 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11 [936.11, 956.11], 916.12 [936.12, 956.12], 923.3 [943.3, 963.3], 923.9 [943.9, 963.9]

11/16/01 AMEND: 1038, 1104.1

11/08/01 AMEND: 150.16

11/07/01 AMEND: 1037.5

11/01/01 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9

10/31/01 AMEND: 300(a)

10/31/01 AMEND: 163, 163.5, 164

10/30/01 ADOPT: 1059

10/25/01 AMEND: 165, 165.5

10/23/01 AMEND: 550, 551, 552

10/17/01 AMEND: 27.82, 28.54, 28.55

10/04/01 ADOPT: 6595

10/03/01 AMEND: 14111

10/03/01 AMEND: 502, 507(c) and 507.1

10/03/01 AMEND: 11900

09/25/01 AMEND: 1038

09/24/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225

09/24/01 ADOPT: 159 REPEAL: 148

Title 15

01/09/02 ADOPT: 4742, 4743, 4744, 4745, 4746, 4747 AMEND: 4730, 4732, 4733, 4734, 4735, 4736, 4737, 4739, 4740

01/08/02 REPEAL: 3074

11/29/01 ADOPT: 4746.5

11/27/01 AMEND: 6045.2(e)(2)(G)

11/20/01 ADOPT: 2646.1 AMEND: 2646

10/23/01 AMEND: 3375.2, 3378

10/16/01 AMEND: 3341.5

10/04/01 AMEND: 4720.1

09/20/01 AMEND: 4695

Title 16

01/18/02 AMEND: 1391.7

01/14/02 ADOPT: 980.1 AMEND: 974

01/14/02 ADOPT: 1711

12/19/01 AMEND: 1388, 1388.6, 1389, 1392, 1397.63 REPEAL: 1388.5

12/18/01 AMEND: 1397.61, 1397.64, 1397.65

12/17/01 ADOPT: 2412 AMEND: 2418 REPEAL: 2411(a)(1)(A)

12/17/01 AMEND: 1088

12/07/01 ADOPT: 386

12/04/01 AMEND: 1887.3

11/28/01 ADOPT: 872, 872.1

11/27/01 AMEND: 3340.16.5

11/20/01 ADOPT: 2450

10/31/01 ADOPT: 890

10/23/01 ADOPT: 1999.5 AMEND: 1970, 1970.6

10/19/01 ADOPT: 1357.1, 1357.2, 1357.3, 1357.4, 1357.5, 1357.6

10/18/01 AMEND: 2420

10/16/01 AMEND: 1870

10/16/01 AMEND: 1391.12(b)

10/15/01 ADOPT: 1024.1, 1024.3, 1024.4, 1024.5, 1024.6, 1024.7, 1024.8, 1024.9, 1024.10, 1024.11, 1024.12 AMEND: 1000 REPEAL: 1024.1

10/03/01 AMEND: 1760

09/27/01 AMEND: 1399.157(b)

09/19/01 AMEND: 1419.3

09/19/01 AMEND: 89.1 REPEAL: 55

Title 17

12/28/01 AMEND: 6508

11/19/01 AMEND: 57310, 57332, 57530

11/19/01 ADOPT: 37000, 37020, 37025, 37100

11/14/01 ADOPT: 33001, 33002, 33003, 33004, 3005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013, 330014, 33015, 33025 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010

11/07/01 AMEND: 60201

11/05/01 ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626

10/29/01 ADOPT: 30400.5, 30400.60, 30403.5, 30403.8, 30406

10/29/01 ADOPT: 30437 AMEND: 30424, 30425, 30427, 30427.2, 30436, 30447

10/25/01 ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 56002, 56093, 58651

10/15/01 AMEND: 30225, 30253, 30350

10/11/01 AMEND: 56033

Title 18

01/16/02 ADOPT: 4063.5, 4098 AMEND: 4018, 4021, 4022, 4023, 4026, 4027, 4034, 4047, 4055, 4056, 4057, 4058, 4059, 4060, 4062, 4063, 4064, 4065, 4080, 4081, 4091, 4092 REPEAL: 4028, 4067, 4079, 4082

01/10/02 ADOPT: 29

01/08/02 AMEND: 1620

01/07/02 AMEND: 122.5

12/24/01 AMEND: 17000.30

12/24/01 ADOPT: 17951-6 AMEND: 17951-4

12/17/01 AMEND: 1642

12/14/01 ADOPT: 138

12/06/01 AMEND: 1660

12/04/01 AMEND: 1661

11/20/01 AMEND: 19513

11/08/01 ADOPT: 206

11/01/01 AMEND: 1617

11/01/01 AMEND: 1598

CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 5-Z

10/12/01 ADOPT: 18567

09/20/01 AMEND: 1574

Title 19

12/28/01 ADOPT: 981.3 AMEND: 981.3

12/27/01 ADOPT: 565.1, 567.1, 567.2, 567.3, 567.4, 567.5, 567.6, 567.7, 567.8, 573, 575 AMEND: 550, 550.2, 557.1, 557.3, 557.4, 557.5, 557.6, 557.8, 557.9, 557.12, 557.13, 557.14, 557.16, 557.18, 557.19, 557.20, 557.21, 557.22, 557.23, 560, 560.1, 560.2, 560.3

Title 20

01/16/02 AMEND: 201

Title 21

12/04/01 AMEND: 7000

Title 22

01/17/02 ADOPT: 84400, 84401, 84422, 84461, 84465, 84468.1, 84468.2, 84468.4, 84478 REPEAL: 84001, 84022, 84061, 84063, 84065, 84300, 84322, 84322.1, 84322.2, 84361, 84365, 84365.5, 84368.3, 84369

01/08/02 ADOPT: 7630, 7632, 7632.1, 7632.3, 7632.5, 7634, 7634.1, 7634.3, 7634.5, 7636, 7636.1, 7636.3, 7636.5, 7637.7, 7636.9, 7638, 7638.1, 7638.3, 7638.5, 7638.7, 7638.9, 7638.11, 7638.13

12/31/01 AMEND: 66260.10, 66262.12, 66263.40, 66268.7 REPEAL: 66263.42

12/19/01 AMEND: 5151(c), 5151(e), 51518(b), 51521(i), 51527(b)

12/18/01 ADOPT: 11000, 110042, 110046, 110088, 110099, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478, 110479

11/30/01 ADOPT: 66273.6, 66273.80-66273.90 AMEND: 66261.9, 66273.1, 66273.8, 66273.9

11/13/01 ADOPT: 64860

11/08/01 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12

11/08/01 ADOPT: 66250, 66250.1, 66250.2

11/06/01 AMEND: 4408, 4409, 4414

11/06/01 AMEND: 66264.140, 66264.143, 66264.145, 66264.147, 66265.140, 66265.143, 66265.145, 66265.147

11/02/01 ADOPT: 66261.9, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.7, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14,

66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.30, 66273.31, 66273.32, 66273.33

11/02/01 ADOPT: 100901, 100902, 100903, 100904, 100904.5 AMEND: 100900

10/24/01 AMEND: 12000

10/02/01 ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309

09/24/01 ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 117085, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117403

09/19/01 ADOPT: 123000

Title 22, MPP

11/08/01 AMEND: 84110, 85002, 87102

10/25/01 ADOPT: 85081, 87593 AMEND: 85001, 87101

09/24/01 ADOPT: 87701.1, 87716.1 AMEND: 87101, 87102, 87570, 87575, 87575.1, 87701, 87701.1, 87702, 87716, 87124.1, 87721

09/19/01 AMEND: 87564.3, 87730

Title 23

01/03/02 AMEND: 3904

12/28/01 AMEND: 451.1, 451.4, 451.5

11/27/01 AMEND: 3952

10/09/01 AMEND: 3988

Title 25

01/08/02 ADOPT: 7300, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7224, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336

01/03/02 ADOPT: 1302, 1316, 1317, 1318, 1319 AMEND: 1300, 1304, 1306, 1310

12/19/01 AMEND: 8202, 8203, 8212, 8212.1

Title 27

10/24/01 AMEND: 15240

Title 28

12/27/01 ADOPT: 1300.41.8

12/12/01 ADOPT: 1000

Title MPP

01/23/02 ADOPT: 33-135 AMEND: 33-120, 33-510, 33-805

01/14/02 ADOPT: 63-016 AMEND: 63-102, 63-300, 63-504, 63-801, 63-802, 63-804

12/11/01 AMEND: 44-314, 82-518

11/29/01 ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310
10/15/01 AMEND: 44-211.63, 44-211.64

10/10/01 AMEND: 42-205, 43-119, 44-133
10/01/01 AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

